

## Appendix I

Jonathan Priday/USFWS



*Sunrise along the refuge shoreline*

## Finding of No Significant Impact

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### **Eastern Neck National Wildlife Refuge Comprehensive Conservation Plan**

In September 2009, the U.S. Fish and Wildlife Service (Service) published the Draft Comprehensive Conservation Plan and Environmental Assessment (Draft CCP/EA) for Eastern Neck National Wildlife Refuge (refuge). This 2,286 acre island-refuge is located in Kent County, Maryland in the town of Rock Hall on the upper Eastern Shore of the Chesapeake Bay. It lies at the confluence of the Chester River and the Bay. Eastern Neck Refuge is part of the Chesapeake Marshlands National Wildlife Refuge Complex (Refuge Complex), which also includes the Susquehanna, Martin, and Blackwater refuges. The Eastern Neck Refuge Draft CCP/EA identifies the refuge's purposes, proposes a vision statement, and includes management goals and objectives to be achieved through plan implementation. The Draft CCP/EA evaluates three alternatives for managing the refuge over the next 15 years and compares their potential contribution to the refuge's purposes, vision, goals, and the mission of the National Wildlife Refuge System (Refuge System). Alternative B is identified as the Service-preferred alternative. Chapter 3 in the draft plan details the respective goals, objectives, and strategies for each of the three alternatives. Chapter 4 describes the predicted direct, indirect, and cumulative impacts on the environment from implementing each alternative. The draft plan's appendixes provide additional information supporting the assessment and specific proposals in Alternative B. A brief overview of each alternative as it was presented in the draft CCP/EA follows.

Alternative A (Current Management): The Council of Environmental Quality regulations on implementing the National Environmental Policy Act (NEPA) require this "No Action" alternative, which we define as current management. Alternative A includes our existing programs and activities and serves as the baseline against which to compare the other alternatives. Under Alternative A, our highest priority would continue to be shoreline and tidal marsh protection and restoration. We would continue to work with partners to maintain 6,066 linear feet of off-shore breakwaters and 2,627 linear feet of on-shore armoring, as well as continue native marsh grass plantings. These activities benefit fish, shellfish, and waterfowl species of conservation concern. Under Alternative A, we would also continue to manage approximately 557 acres of the refuge in croplands to benefit wintering waterfowl. Other activities to benefit wintering waterfowl include management of three moist soil units (MSUs) and five green tree reservoirs (GTRs), and seasonal public access closures in certain areas to minimize disturbance. Public access closures on the south end of the island would also continue to minimize disturbance to nesting bald eagles. Invasive species control would continue across all refuge habitats, as funding permits. We would also maintain our current level of effort in conducting baseline inventories and monitoring which is focused on bird use and evaluating our invasive plant control.

Our visitor facilities and programs would continue at present levels, whereby we offer opportunities for all six priority recreational uses of the Refuge System for approximately 55,000 visitors annually. We would continue to offer deer and youth turkey hunting, recreational fishing and crabbing, on-and off-site interpretation and environmental education

programs, and wildlife observation and photography opportunities. Staffing would remain at three Refuge Complex positions assigned to the refuge, with the expectation that all other Refuge Complex staff would be shared as needed. Administrative facilities, including the historic hunting lodge which houses our refuge office, visitor contact facility, and the Friends of Eastern Neck bookstore, would be maintained.

Alternative B (the Service-preferred alternative): This alternative includes an array of management actions that, in our professional judgment, work best toward achieving the purposes of the refuge, our vision and goals for those lands, the Refuge System mission, and the goals in State and regional conservation plans. Under Alternative B, our highest priority would continue to be the protection and restoration of the refuge shoreline and tidal marsh habitat. Our next highest priority is the management of other refuge wetlands and uplands primarily to benefit migratory waterfowl of conservation concern in the Chesapeake Bay area. With our partners, we would expand our current shoreline protection program to include an additional 25,000 linear feet along the southern boundary of the refuge. Specific design proposals on new shoreline protection projects would be pursued with State and Federal partners upon CCP approval. In conjunction with these new projects, increased submerged aquatic vegetation and tidal marsh restoration would occur on an estimated additional 108 acres benefiting fish, shellfish, and migratory waterfowl of conservation concern, including the rare tundra swan. Under Alternative B, we would maintain the most productive croplands on approximately 372 acres, and convert 185 acres of less productive cropland to forest. We would enhance the management of our existing 5 GTRs and 3 MSUs, and create 4 new MSUs on approximately 22 acres to increase quality habitat for a broad array of wintering waterfowl, shorebird, and marsh and wading birds.

We would increase the amount of mature deciduous-mixed forest on the refuge to 885 acres by converting croplands to increase resting, migrating, and wintering habitat for forest-dependent migratory birds and for nesting bald eagles. We would also actively manage forest habitat to diversify the canopy structure, reduce exotic and invasive plants, and decrease forest fragmentation. Our entire biological inventorying and monitoring program would also be improved by working with partners to prioritize needs, obtain funding and support, and assist with evaluations.

We propose to enhance, but not expand, visitor opportunities for all six priority uses of the Refuge System by upgrading the visitor services professional staff position. The main focus of our visitor services program would continue to be wildlife observation and photography. We would continue to offer high-quality deer hunting, youth turkey hunting, and recreational crabbing and fishing opportunities. Our environmental education offerings would be augmented by volunteer-led programs and increased involvement with the Kent County School District, while interpretative programs would benefit from the development of new brochures and materials on historic and cultural resources. Administrative facilities would continue to be maintained and existing volunteer and seasonal housing would be improved. We would seek funding for two additional Refuge Complex staff positions to be assigned to the refuge, and the upgrading of another, to help plan and implement new and on-going management activities. Also under Alternative B, our protection, education and outreach

programs for archeological and culture resources would be bolstered through partnerships, additional staffing and law enforcement, surveying, and interpretation.

Alternative C: Similar to Alternative B, Alternative C's highest priority is to protect and restore an additional 25,000 linear feet of refuge shoreline and restore submerged aquatic vegetation and tidal marsh on an estimated 108 acres. It is distinguished from Alternative B, however, by its focus on forest management and natural succession on the refuge uplands. Under Alternative C, we would eliminate the refuge's cropland program and manage those acres to contribute to a diverse and healthy mixed deciduous forest. Active management could include tree plantings, thinnings or other forest silvicultural practices as warranted, and invasive and exotic plant control. The existing GTRs and two largest MSUs would be maintained as long as annual evaluations determine they contribute to the biological diversity of the forest.

Unlike Alternatives A and B, Alternative C proposes to expand our public use programs. Wildlife observation and photography opportunities would increase through year-round access to the refuge's Ingleside Recreational Area, an extension to the Tundra Swan Boardwalk, and with the potential for a trail and car-top boat launch on the southern portion of the refuge. This latter opportunity would be determined after a more detailed cultural and biological field evaluation identifies no potential for impacts. Our current hunting program would be expanded as well to include an all-age turkey hunt. Environmental education programs would be increased to include teacher workshops and adult environmental education programs. Additional signage and expanded infrastructure would further enhance interpretation on the refuge. Administrative facilities and staffing increases would be the same as those proposed under Alternative B. In addition, we would enhance our archeological and historical resource protection, education and outreach through partnerships and additional staffing, similar to Alternative B.

We distributed the Draft CCP/EA for a 52-day period of public review and comment from September 9 to October 30, 2009. We received 42 responses representing individuals, organizations, and state agencies. Appendix H in the final CCP includes a summary of those comments, our responses to them, and additional rationale for the changes we make in the final CCP outlined below.

After reviewing the proposed management actions, and considering all public comments and our responses to them, I have determined that the analysis in the draft CCP/EA is sufficient to support my findings. I am selecting Alternative B, as presented in the Draft CCP/EA with the following changes recommended by the planning team, to implement as the final CCP. Changes made to Alternative B in the final CCP are:


- We will create 3 new moist soil units (MSU's) totaling 22 acres, instead of 4 as proposed in the Draft CCP/EA. We re-evaluated our plans in the field with Service and MD DNR biologists and determined that it was more efficient, effective, and beneficial to waterfowl to create 3 larger units in areas we intend to maintain as cropland, instead of 4 smaller units where 2 of those units lie in forest habitat. Map 4.1 in the final CCP depicts the new MSU locations.

- We will reduce the acres in cropland from the existing 557 to 403 acres, which results in a 154-acre (or 28%) reduction. The Draft CCP/EA proposed a reduction from 557 to 372 acres, which results in a 185-acre (or 33%) reduction. The 31 acres difference includes fields we plan to maintain in cropland based on a field evaluation by Service and MD DNR waterfowl experts. Those experts recommend we continue to manage as croplands since additional data and observations indicate the fields receive higher waterfowl use than was our original understanding, and because their location adjacent to public access roads will facilitate wildlife observation and photography.
- We will maintain two hedgerows that were planned for removal in the Draft CCP/EA based on a field review that determined they contribute to wildlife habitat diversity, facilitate wildlife observation and photography because of their proximity to public access roads, and minimize soil erosion from wind and storm events in adjacent croplands.
- Our plans to retain certain hedgerows and croplands, as noted above, caused us to reevaluate the Draft CCP/EA proposal to move the refuge headquarters road. The hedgerows and croplands referred to lie near the headquarters road, and the resulting configuration does not warrant a change in road location. This point, coupled with public concern about the expense of moving the road, justify dropping those plans from the final CCP.
- We will increase the shoreline and tidal marsh protection program described in Draft CCP/EA to include an additional 3,000 linear feet and adjacent marsh along the northern boundary of the refuge. We decided to include this area because it shoreline erosion and tidal marsh loss has accelerated in recent years. We believe this addition, while not included in the Draft CCP/EA, is not a substantial change from the shoreline restoration projects planned in Alternative B in the draft document. As stipulated in both the Draft CCP/EA and the final CCP, all new shoreline protection projects will require additional environmental analysis, documentation, and public involvement to fulfill NEPA requirements.
- We will modify the aggressive *Phragmites* control efforts described in the Draft CCP/EA. There are certain areas where the loss of refuge shoreline is accelerating and the only protection is the presence of *Phragmites* which helps dissipate the erosive force of wind and wave action. In short, removal of *Phragmites* would result in open water and no shoreline protection. Until we can establish native vegetation or other natural barriers to those impacts, we will scale back our *Phragmites* control efforts in certain high risk areas.

I concur that modified Alternative B, including the above changes, helps fulfill the mission of the Refuge System; best achieves the refuge's purposes, vision, and goals; maintains and, where appropriate, helps restores the refuge's ecological integrity; addresses the major issues identified during the planning process; and is consistent with the principles of sound fish and wildlife management. Specifically, in comparison to the other two alternatives, modified Alternative B promotes the greatest diversity of habitat types for migratory birds, especially waterfowl, through its combination of forest, wetland, cropland and grassland management. It also provides

the most reasonable and effective enhancements to existing public use programs that are in high demand, with minimal impacts to wildlife and habitats. The plans to increase staffing and improve infrastructure are reasonable, practicable and will result in the most efficient management of the refuge and best serve the American public. This Finding of No Significant impact includes the EA by reference.

I have reviewed the predicted beneficial and adverse impacts associated with Alternative B that are presented in Chapter 4 of the Draft CCP/EA, and compared them to the other alternatives. I specifically reviewed the context and intensity of those predicted impacts over the short and long-term, and considered their cumulative effects. I have also determined that the proposed changes to Alternative B described are within the scope and scale of the alternatives analysis conducted in the draft CCP/EA and no additional analysis is needed. My evaluation concludes that implementing modified Alternative B will not result in any concerns with public health or safety, nor result in adverse implications to any unique cultural or natural characteristics of the geographic area, including wetlands or Federal-listed species. I find that implementing modified Alternative B adheres to all legal mandates and Service policies, and will not have a significant impact on the quality of the human environment, in accordance with Section 102(2)(c) of NEPA. Therefore, I conclude that an Environmental Impact Statement is not required, and this Finding of No Significant Impact is appropriate and warranted.



Marvin E. Moriarty  
Regional Director  
U.S. Fish and Wildlife Service  
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**Acting**



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Date